

JERRY S. BUSBY
Nevada Bar #001107
COOPER LEVENSON APRIL
NIEDELMAN & WAGENHEIM, P.A.
6060 Elton Avenue – Suite A
Las Vegas, Nevada 89107
(702) 366-1125
FAX: (702) 366-1857
jbusby@cooperlevenson.com

Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEYDA DeMENA,

Plaintiff,

vs.

SMITHS FOOD & DRUG CENTERS, INC.
and DOES 1 through 100; And ROE
CORPORATIONS 101 through 200

Defendant.

CASE NO.

NOTICE OF REMOVAL

Defendant, SMITH'S FOOD & DRUG CENTERS, INC., (hereinafter referred to as "SMITH'S") hereby gives notice of its removal of Case No. A-12-658449-C from the Eighth Judicial District Court, Clark County, Nevada, to this Court. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441(a) and 1446. As grounds for removal, SMITH'S states as follows:

I.

NOTICE OF REMOVAL IS TIMELY.

1. On March 19, 2012, Plaintiff ALEYDA DeMENA (hereinafter "Plaintiff") filed this lawsuit, as an individual, against SMITH'S. Pursuant to 28. U.S.C. § 1446(a), a complete copy of the state court file, including the Complaint and process, is attached hereto as Exhibit "A".

2. SMITH'S was served with process on March 22, 2012. SMITH'S hereby reserves any and all rights to assert insufficiency of process and/or insufficiency of service or process as defenses to Plaintiff's Complaint.

III.

REMOVAL TO THIS JURISDICTION IS PROPER.

10. Pursuant to 28 U.S.C. §§1332, 1441, and 1446, removal of the above-captioned state court action to this Court is appropriate.

11. Pursuant to 28 U.S.C. §1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending 28 U.S.C. §108.

12. SMITH'S reserves the right to amend or supplement this Notice of Removal.

13. SMITH'S reserves all defenses, including, without limitation, the defense of lack of personal jurisdiction.

14. SMITH'S requests a trial by jury of all issues.

15. SMITH'S is providing Plaintiff, by and through her counsel, written notice of the filing of this Notice of Removal as required by 28 U.S.C. §1446(d). Further, Defendant is filing a copy of this Notice of Removal with the Clerk of the Eighth Judicial District Court, Clark County, Nevada, where the action is currently pending.

Dated this 16th day of April, 2012.

COOPER LEVENSON APRIL
NIEDELMAN & WAGENHEIM, P.A.

By /s/ Jerry S. Busby

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6060 Elton Avenue – Suite A
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Attorneys for Defendant
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